

STATE OF INDIANA) IN THE ALLEN SUPERIOR COURT
) ss:
COUNTY OF ALLEN)

THE ESTATE OF ADRE'ONNA)
MILLIGAN, BY AND THROUGH THE)
COURT APPOINTED PERSONAL)
REPRESENTATIVE OF THE ESTATE,)
NATASHA THREATT,)

Plaintiff,)

V.)

CGFW, LLC, COVER GIRLS DAY &)
NIGHTCLUB, AND SR INDIANA)
INVESTMENTS, LLC,)

Defendants.)

COMPLAINT FOR DAMAGES FOR WRONGFUL DEATH

COMES NOW The Estate of Adre'Onna Milligan, by and through the court appointed Personal Representative of the Estate, Natasha Threatt, (hereinafter "The Estate") by counsel Glaser & Ebbs, LLC, and for its claim against Defendants, CGFW, LLC (hereinafter "GCFW"), Cover Girls Day & Nightclub (hereinafter "Cover Girls"), and SR Indiana Investments, LLC (hereinafter "SR Investments") states as follows:

THE PARTIES

1. On April 4, 2019, Natasha Threatt was appointed as the personal representative of The Estate of Adre'Onna Milligan (Allen County, Cause 02D202-1904-EU-000142); As such, she has standing and authority to bring this claim in accordance with Indiana Code § 34-23-1-2.

2. On or about December 18 and 19, 2018, the decedent, Adre'Onna Milligan (hereinafter "Milligan"), age 27, was a resident of Allen County, Indiana.

3. On or about December 18 and 19, 2018, GCFW, LLC and/or Cover Girls were domestic limited liability companies with a business located at 1525 Production Road, Fort Wayne, Indiana 46808 (hereinafter “the nightclub”).

4. On or about December 18 and 19, 2018, GCFW and/or Cover Girls leased, owned, managed, controlled and operated the nightclub in Allen County, Indiana.

5. On or about December 18 and 19, 2018, SR Investment was a foreign limited liability company that leased, owned, managed, controlled and operated the nightclub in Allen County, Indiana.

NEGLIGENCE

6. The Estate incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

7. At all times relevant herein, GCFW, Cover Girls and SR Investment (*including employees or agents* of all named Defendants) (collectively hereinafter “Defendants”), sold, delivered or gave away alcoholic beverages to customers at the nightclub, including Milligan.

8. At all times relevant herein, Defendants encouraged customers to patronize the nightclub and that patronage included buying and selling alcoholic beverages to patrons, including Milligan.

9. At all times relevant herein, Defendants had a duty to properly train, supervise and manage their employees/agents so that customers to the nightclub would not be overserved alcoholic beverages, resulting in intoxication.

10. On December 18 and 19, 2018, Milligan was a paying customer at the nightclub, arriving at approximately 11:40 PM on December 18, 2018 and staying until approximately 3:20 AM on December 19, 2018.

11. During this time, Milligan was served alcoholic beverages by the Defendants (and their employees/agents) as a customer of the nightclub.

12. Milligan left the nightclub in her vehicle at approximately 3:15 AM on December 19, 2018 after being served alcoholic beverages by Defendants at the nightclub.

13. At that time, Milligan lost control of her vehicle and ran off of Production Road; she was pronounced dead at the scene.

14. On December 19, 2018, Milligan was intoxicated when she ran off of the road near the nightclub, and her intoxication was a direct and proximate cause of the collision and a direct and proximate cause of her death.

15. A toxicology screen performed on Milligan following the crash on December 19, 2018 showed her Blood Alcohol Content (hereinafter “BAC”) to be .302.

16. Any person with a BAC of .302 will exhibit signs of physical intoxication including the loss of hand-eye coordination, impaired balance, stumbling, staggering, drowsiness, mental confusion, disorientation, exaggerated emotional state, blurred vision and even loss of consciousness.

17. On December 18 and 19, 2018, the Defendants (and their agents/employees) knew that Milligan was intoxicated and yet continued to provide her alcoholic beverages.

18. At all times relevant herein, The Indiana Dram Shop Act provided that those providing alcoholic beverages, like Defendants, should be liable for the reasonably foreseeable consequences of knowingly serving visibly intoxicated persons, like Milligan.

19. The one car crash caused by Milligan’s intoxication while operating a vehicle leaving the nightclub was a foreseeable consequence of the Defendants knowingly serving alcoholic beverages to Milligan, once they knew she was intoxicated.

20. The wrongful death of Milligan occurred as a direct and proximate result of the negligent conduct of the Defendants CGFW, Cover Girls, and SR Investments (*including their employees and agents*) including but not limited to, the following:

- a. Failing to exercise reasonable care for the safety of patrons being served and consuming alcoholic beverages at the nightclub, including Milligan;
- b. Knowingly serving, selling or giving away alcohol beverages to an intoxicated person, Milligan, in violation of Indiana statute I.C. § 7.1-5-10-15;
- c. Knowingly “furnishing” an alcoholic beverage to a visibly intoxicated person in violation of I.C. § 7.1-5-10-15.5; and
- d. Failing to properly hire, train, supervise or monitor its employees with regard to serving and overserving intoxicated patrons, including Milligan.

21. The conduct of Defendants (and their employees/agents) on December 18 and 19, 2018 was in direct violation of Indiana’s Dram Shop Act, I.C. § 7.1-5-10-15.5, and constitutes negligence per se.

22. The negligence of any employee, agent or representative of the Defendants in furnishing alcoholic beverages to Milligan (an intoxicated person) was within the course and scope of his or her employment with Defendants, making Defendants vicariously liable.

23. As a direct and proximate result of the negligence of all Defendants, Milligan’s nondependent parents – Natasha Threatt and William Amos – have suffered damages by being deprived of Milligan’s love and companionship.

24. Natasha Threatt (Milligan’s mother) had a genuine, substantial and ongoing relationship with Milligan at the time of her death.

25. William Amos (Milligan's father) had a genuine, substantial and ongoing relationship with Milligan at the time of her death.

26. As a direct and proximate result of the negligent conduct of said Defendants, the Estate has incurred funeral and burial expenses for the death of Milligan.

WHEREFORE, The Estate demands judgment against Defendants CGFW, Cover Girls, Jeffrey Harding and SR Investments (*including their employees and agents*), and pray for relief for the reasonable burial and funeral expenses of the Estate, for damages for the loss of Milligan's love and companionship for the nondependent parents – Natasha Threatt and William Amos, for interest and the costs of this action, for an award of reasonable attorney fees; and for all other proper relief.

Respectfully submitted,

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